

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

08 CIV 61397
Case No.

MOHAMMED SAMADIAH,

Plaintiff,

-against-

OSI COLLECTION SERVICES, INC.,

Defendant.



Plaintiff, by and through his attorneys, FAGENSON & PUGLISI, upon knowledge as to himself and his own acts, and as to all other matters upon information and belief, brings this complaint against the above-named defendant and in support thereof alleges the following:

INTRODUCTION

1. This is an action for damages brought by an individual consumer for defendant's violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et seq* which prohibits debt collectors from engaging in abusive, deceptive and unfair acts and practices.

PARTIES

2. Plaintiff is a natural person residing in this District and is a consumer as defined by the FDCPA, § 1692a(3).

3. Upon information and belief, defendant is a debt collector, as defined pursuant to 15 U.S.C. § 1692a(6). Upon information and belief, the defendant is a foreign business corporation incorporated in Delaware. Defendant's Registered Agent

in New York is CT Corporation System, 111 Eighth Avenue, New York, New York 10011.

JURISDICTION AND VENUE

4. This Court has jurisdiction and venue pursuant to 15 U.S.C. § 1692k(d) (FDCPA) and 28 U.S.C. § 1331.

AS AND FOR A FIRST CAUSE OF ACTION

5. Plaintiff re-alleges paragraphs 1 to 4 as if fully re-stated herein.

6. That on or about July 3, 2007 defendant sent a collection letter to the plaintiff in an attempt to collect an alleged consumer debt incurred for personal purposes. Plaintiff received said letter. A copy of said letter is attached as Exhibit "1".

7. That, following the plaintiff's receipt of the aforesaid letter, plaintiff's attorney, Concetta Puglisi, Esq., sent a letter to defendant on or about July 18, 2007. In the letter Ms. Puglisi advised defendant that she represented plaintiff and that plaintiff was disputing the debt defendant was attempting to collect. Ms. Puglisi further advised defendant in the letter that defendant should not contact plaintiff directly regarding this debt. A copy of this letter is attached as Exhibit "2".

8. That, notwithstanding this communication from plaintiff's attorney, on or about September 5, 2007, defendant sent yet another collection letter directly to plaintiff at his home. A copy of this letter is attached as Exhibit "3" above.

9. Said letter contained enclosures purportedly validating the debt. The letter contained a demand for full payment of the debt.

10. That said letter to plaintiff constitutes improper direct contact with plaintiff with full knowledge that he is represented by counsel in the matter and is in

violation of the FDCPA, including but not limited to § § 1692c(a)(2) and 1692c(c). Said letter also violates § 1692e(10), as a false representation or deceptive means to collect or attempt to collect a debt or to obtain information concerning a consumer.

AS AND FOR A SECOND CAUSE OF ACTION

11. Plaintiff re-alleges paragraphs 1-10 as if fully re-stated herein.

12. That by reason of the defendant's aforesaid violations of the FDCPA the plaintiff was confused and suffered stress, anxiety and emotional distress.

WHEREFORE, plaintiff respectfully prays that judgment be entered against the defendants as follows:

- (a) statutory damages pursuant to 15 U.S.C. § 1692k in an amount to be determined at the time of trial;
- (b) reasonable attorney's fees, costs and disbursements pursuant to 15 U.S.C. § 1692k; and
- (c) for such other and further relief as may be just and proper.

DEMAND FOR TRIAL BY JURY

Plaintiff requests trial by jury on all issues so triable.

Dated: New York, New York
June 30, 2008.



NOVLETTE R. KIDD, ESQ.
FAGENSON & PUGLISI
Attorneys for Plaintiff
450 Seventh Avenue, Suite 3302
New York, New York 10123
Telephone: (212)268-2128
fnplaw@aol.com

EXHIBIT “1”

D00022.P.1344110(5381)365.VBS
P.O. BOX 952
BROOKFIELD WI 53008-0952



MOHAMMED SAMADIAH
3556 ROCHAMBEAU AVE
APT 1
BRONX NY, 10467-1312

CREDITOR:
CAPITAL ONE BANK

ACCOUNT #:
4862367144098015

DATE:
July 3, 2007

BALANCE DUE:
\$1,074.24

COLLECTION NOTICE

Dear Mohammed Samadmiah,

Our client is CAPITAL ONE BANK. They have reported to us that you owe them \$1,074.24.

~~This is an attempt to collect a debt. Any information obtained will be used for that purpose. This communication is from a debt collector.~~

Make your check or money order payable to OSI COLLECTION SERVICES, INC. and mail it in the enclosed envelope.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

New York City Department of Consumer Affairs License Number 1018054.

You can now pay by automated phone system or over the Internet! Pay by phone 866-294-0331 or on the Web at www.paymybill.com. Enter 0462549 as your User-ID Access Code. Enter 1344110 as your password.

All check payments received grant OSI the right to process the check electronically. Also, your returned check may be collected electronically if it is returned for insufficient or uncollected funds.

↑ Detach Here ↑

Important:

To insure proper credit, please return this portion to the address shown below with your payment.

OSI COLLECTION SERVICES, INC.
P.O. BOX 952
BROOKFIELD WI 53008-0952

CREDITOR:
CAPITAL ONE BANK

ACCOUNT #:
4862367144098015

DATE:
July 3, 2007

BALANCE DUE:
\$1,074.24

MOHAMMED SAMADIAH
3556 ROCHAMBEAU AVE
APT 1
BRONX NY 10467-1312

365 1344110 00107424

EXHIBIT “2”

FAGENSON & PUGLISI
450 Seventh Avenue, Suite 3302
New York, NY 10123
(212)268-2128

(212)268-2127-fax
July 18, 2007

OSI Collection Services, Inc.
PO Box 952
Brookfield, WI 53008

Re: Mohammed Samadmiah
Original Creditor: Capital One Bank
Account #: 4862367144096015

Dear Sir/Madam:

Please be advised that Fagenson & Puglisi represents Mohammed Samadmiah. Mr. Samadmiah disputes the debt you are attempting to collect.

Please provide this office with documentation supporting your claim and your New York City Department of Consumer Affairs license number. Do not contact our client directly. Delete or correct any negative entry which you may be reporting to the credit reporting agencies in accordance with the Fair Credit Reporting Act.

Please note that Fagenson & Puglisi is not authorized to accept Service of Process on behalf of any client.

Should you have any questions please contact the undersigned.

Very truly yours,
FAGENSON & PUGLISI


CONCETTA PUGLISI

CP/mp
cc: Mohammed Miah

EXHIBIT “3”

OSI COLLECTION SERVICES, INC.

September 5, 2007
1344110

P.O. Box 952
Brookfield, WI 53008-0952

MOHAMMED SAMADMIAH
3556 ROCHAMBEAU AVE
APT 1
BRONX NY 10467-1388

Creditor: Capital One Services
Account Number: 4862367144096015
Balance: \$ 1124.60

MOHAMMED SAMADMIAH,

We have attempted to validate your account with the enclosed information from our client. If any questions continue to exist, please call our office at your earliest convenience.

If all questions have been answered via this letter and its enclosure, please send the balance in full to our office at:

P.O. Box 952
Brookfield, WI 53008-0952

Regards,

OSI Collection Services, Inc.
Phone: 866-558-5726

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED
WILL BE USED FOR THAT PURPOSE. (5542)